

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Jude Bonneau,

Petitioner,

ORDER

-against-

18 Civ. 2228 (CS)(AEK)

Jamie LaManna,

Respondent.

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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.¹

The undersigned is in receipt of Petitioner's letter dated November 14, 2020, which was received and docketed on November 30, 2020. ECF No. 45. The letter is Petitioner's third request for appointment of counsel.

Petitioner's two previous requests for appointment of counsel were denied. In an order dated August 6, 2019, the Honorable Lisa Margaret Smith denied Petitioner's first request for appointment of counsel, which was made orally during an August 6, 2019 status conference. Magistrate Judge Smith determined that Petitioner had not satisfied the factors set forth in *Hodge v. Police Officers*, 802 F.2d 58, 61-62 (2d Cir. 1986), the case that provides the standard courts in this Circuit use to determine whether appointment of counsel in a civil matter is appropriate. *See* ECF No. 30 at 5-7. Subsequently, in an order dated June 4, 2020, Magistrate Judge Smith denied Petitioner's second request for the appointment of counsel, which was submitted in writing. *See* ECF No. 43 (Petitioner's request for counsel); ECF No. 44 (order denying request for counsel). The basis for Petitioner's second request for counsel was that his legal assistant

¹ The Honorable Cathy Seibel referred this matter to the Honorable Lisa Margaret Smith on April 12, 2018. ECF No. 7. The matter was reassigned to the undersigned on October 17, 2020.

had, sadly, passed away due to COVID-19. *See* ECF No. 43. Magistrate Judge Smith's June 4, 2020 order explained, however, that Petitioner's second request did not "address the Court's prior finding that Petitioner had not shown that his claims are likely to be successful on the merits, its lack of information about Petitioner's attempt to obtain counsel, and its prior finding that Petitioner is capable to handling this case without assistance at this time." ECF No. 44.

In his most recent application seeking counsel, Petitioner reiterates the unfortunate fact that his legal assistant passed away due to COVID-19. As with the May 2020 application, Petitioner again fails to offer any explanation for how he now satisfies the *Hodge* factors for appointment of counsel. Indeed, this most recent letter simply restates the same request that Magistrate Judge Smith previously denied. Accordingly, for the reasons set forth in Magistrate Judge Smith's prior rulings on this issue, *see* ECF Nos. 30, 44, Petitioner's third request for appointment of counsel is **DENIED WITHOUT PREJUDICE**.

The Clerk of the Court is directed to mail a copy of this order to the *pro se* Petitioner.

Dated: December 22, 2020
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge